

RESOLUTION NO. 20191003-057

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City to acquire certain real property interests for public uses as set out below; and

WHEREAS, the City has attempted to purchase those needed real property interests, but has been unable to agree with the owner on the value of the property interest, or the damages, if any; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City against the owner now having, or who may acquire, an interest in the real property interests necessary to the City, described below, for the public uses set out below, and to take whatever other action may be deemed appropriate to effect the necessary acquisitions.

BE IT FURTHER RESOLVED:

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owners:	TCC Northwend, LLC, A Texas limited liability company
Project:	Austin Energy Circuit 811 Upgrade Parcel 68 Project

Public Use: For upgrading the capacity of the overall electric system, and ensuring the distribution of safe and reliable electric services to the community. An easement and right of way along, over, under, and across that portion of the Property bounded and described on Exhibit A and shown on Exhibit B, attached hereto and incorporated herein (the "Easement"), to place, construct, reconstruct, install, operate, repair, maintain, inspect, replace, upgrade or remove (in whole or in part) electric transmission, distribution and electric telecommunications lines and systems; and all necessary or desirable appurtenances and structures (the "Facilities"), in the Easement, and to cut or trim trees and shrubbery and to remove obstructions as necessary to keep them clear of the Facilities and permit unimpeded access to the Facilities.

Location: 9515 North Lamar Boulevard, Austin, Travis County, Texas 78753

The general route of the project is along the east side of N. Lamar Blvd. from the Justin Lane Substation on North Lamar Blvd. crossing Lamar Blvd. at Wagon Trail Road from there the circuit traverses the North Park Estates and Gracywoods neighborhoods until it reaches the McNeil Substation on Knollpark Drive, in Austin, Travis County, Texas. (District 4).

Property: Described in the attached and incorporated Exhibit A and B.

ADOPTED: October 3, 2019

ATTEST: 
Jannette S. Goodall
City Clerk

EXHIBIT "A"

Page 1 of 4

PROPERTY DESCRIPTION PARCEL 68

SURVEY OF 0.010 ACRES (451 SQUARE FEET) OF LAND IN THE JOHN APPLGAI SURVEY NUMBER 58, AND BEING A PORTION OF LOT 1, NORTHWEND PHASE "B" SECTION ONE-D, A SUBDIVISION IN TRAVIS COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 84, PAGE 97B, PLAT RECORDS TRAVIS COUNTY, TEXAS, THE SAID LOT 1, BEING DESCRIBED TO TCC NORTHWEND, LLC IN THAT CERTAIN SPECIAL WARRANTY DEED WITH VENDOR'S LIEN AS RECORDED IN DOCUMENT NUMBER 2015140634, OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS, SAID 0.010 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a calculated point having grid coordinates of N(Y) 10106282.116, E(X) 3128323.858, NAD83, Texas Central Zone 4203, for the east corner of the herein described 0.010 acres of land, same being a point on the southwest common dividing line of the said Lot 1 and Lot 4, of the said Northwend Phase "B" and from this point a magnail found in a paved parking lot bears South 65°24'15" East, a distance of 154.09 feet for the south corner of the said Lot 4 and the upper interior ell corner of the said Lot 1;

THENCE South 24°48'37" West, a distance of 30.05 feet crossing over the said Lot 1 to a calculated point for the south corner of the herein described 0.010 acres of land, same being a point on the northeast common dividing line of the said Lot 1 and Lot 3, of the said Northwend Phase "B" and from this point a magnail found for the east corner of the said Lot 3, same being an upper interior ell corner of the said Lot 1, bears South 65°24'15" East, a distance of 154.14 feet

THENCE North 65°24'15" West, a distance of 15.00 feet along the common dividing line of the said Lot 3 and the said Lot 1 to a calculated point for the west corner of the herein described 0.010 acres of land, same being the most westerly corner of the said Lot 1, same being the north corner of the said Lot 3, same being a point on the southeast line of that certain ten foot strip of land dedicated as additional right-of-way as depicted on the plat of the said Northwend Phase "B" and a point on the southeast right-of-way line of the said North Lamar Boulevard;

THENCE North 24°48'37" East, a distance of 30.05 and coincident with the southeast line of the said ten foot strip of land and the said North Lamar Boulevard right-of-way,

EXHIBIT "A"

Page 2 of 4

same being the most westerly northeast line of the said Lot 1, to a calculated point for the north corner of the herein described 0.010 acres of land, same being the west corner of the said Lot 4 and a point on last said right-of-way lines;

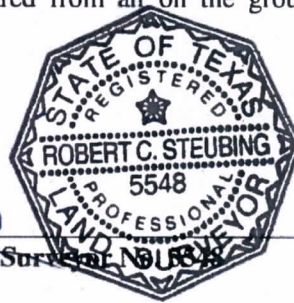
THENCE South 65°24'15" East, a distance of 15.00 feet along the common dividing line of the said Lot 1 and the said Lot 4 to the **POINT OF BEGINNING** and containing 0.010 acre (451 square feet) of land more or less.

BASIS OF BEARINGS IS GRID NORTH, UNITED STATES STATE PLANE COORDINATE SYSTEM, TEXAS CENTRAL ZONE 4203, NAD83.

I hereby certify that these field notes were prepared from an on the ground survey made under my supervision.

Prepared By: **AUSTIN ENERGY**

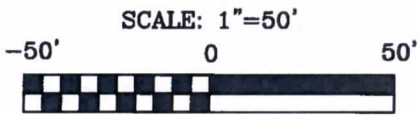
Robert C. Steubing
Robert C. Steubing Registered Professional Land Surveyor No. 5548



06-22-2017
Date

EXHIBIT "B"

SEE PAGE 4 FOR LINE TABLE AND
TITLE COMMITMENT NOTES



NORTH LAMAR
BOULEVARD
(WIDTH VARIES)

JOHN APPLGAIT
SURVEY NO. 58

LOT 2,
2M & 3M LTD
DOC. NO. 2002055177
O.P.R.T.C.T.

NORTHWEND PHASE "B"
SECTION ONE-A
VOL. 83, PG. 115D,
P.R.T.C.T.

LOT 4, NORTHWEND PHASE "B"
SECTION ONE-D

LOT 1, NORTHWEND PHASE "B"
SECTION ONE-D
VOL. 84, PG. 97B,
P.R.T.C.T.
CONVEYED TO
TCC NORTHWEND, LLC IN
DOCUMENT NO. 2015140634
O.P.R.T.C.T.

15' PUE AND
DRAINAGE
84, PG. 97B

PARCEL 68
0.010 ACRES
(451 SQ. FT.)

POWER POLE
306212 74 CKT811

10' PUE
10' TELEPHONE
EASEMENT
VOL. 2695, PG. 44

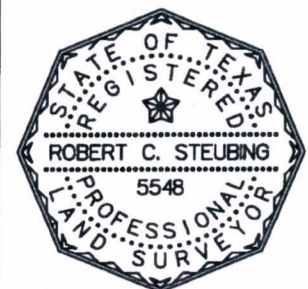
P.O.B.
N: 10106282.116
E: 3128323.858

POWER POLE
306114

LOT 1, NORTHWEND PHASE "B"
TCC NORTHWEND, LLC
DOC. NO. 2015140634
O.P.R.T.C.T.

LOT 3, NORTHWEND PHASE "B"
SECTION ONE-D
VOL. 84, PG. 97B,
P.R.T.C.T.

PAGE 3 OF 4



Robert C. Steubing 06-22-2017
ROBERT C. STEUBING (512-505-7148) DATE
REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548

Line Table		
Line #	Direction	Length
L1	S24° 48' 37"W	30.05'
L2	N65° 24' 15"W	15.00'
L3	N24° 48' 37"E	30.05'
L4	S65° 24' 15"E	15.00'

Record Line Table		
Line #	Direction	Length
(L3)	N26° 59' 19"E	30.00'

LEGEND

●	1/2" IRON ROD FOUND
△	CALCULATED POINT
▲	MAGNAIL FOUND
△	PUNCH HOLE FOUND
⊥	SIGN
⊙	BOLLARD
→	TRAFFIC LIGHT
○	POWER POLE
①	TELEPHONE MANHOLE
⊗	LIGHT POLE
↖	GUY WIRE
⊙	POWER POLE WITH LIGHT
⊗	WATER MANHOLE
⊗	WATER VALVE

LEGEND

⊗	ELECTRIC PULL BOX
○	POST
BL	BUILDING LINE
ESMT	EASEMENT
POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING
PUE	PUBLIC UTILITY EASEMENT
ROW	RIGHT-OF-WAY
JAD	JOINT ACCESS AND DRAINAGE
D.R.T.C.T.	DEED RECORDS TRAVIS COUNTY, TEXAS
O.P.R.T.C.T.	OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
P.R.T.C.T.	PLAT RECORDS TRAVIS COUNTY, TEXAS
()	RECORD INFORMATION

THIS PROJECT IS REFERENCED FOR ALL BEARING AND COORDINATE BASIS TO THE TEXAS STATE PLANE COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD 83 - 2011 ADJUSTMENT, CENTRAL ZONE (4203).

DISTANCES SHOWN HEREON ARE GRID VALUES REPRESENTED IN U.S. SURVEY FEET.

THIS SURVEY PLAT ACCOMPANIES A METES AND BOUNDS DESCRIPTION OF EVEN DATE.

COMMITMENT FOR TITLE INSURANCE PROVIDED BY:

INDEPENDENCE TITLE COMPANY
GF NO.: 1719124-KFO

ONLY THOSE ITEMS LISTED IN SCHEDULE B OF THE ABOVE REFERENCED COMMITMENT FOR TITLE INSURANCE WERE REVIEWED FOR THE PURPOSE OF THIS SURVEY. NO ADDITIONAL RESEARCH WAS PERFORMED BY THIS SURVEYOR. THERE MAY BE ADDITIONAL EASEMENTS, RESTRICTIONS, OR OTHER ENCUMBRANCES WHICH AFFECT THIS SURVEY THAT ARE NOT KNOWN TO THIS SURVEYOR.

1. The following restrictive covenants of record in Volume 83, Page 115D and Volume 84, Page 97B, Plat Records; and Volume 7653, Page 877, Deed Records, Travis County, Texas. AFFECTS THIS TRACT.
- 10.e. Any and all easements, building lines and conditions, covenants and restrictions as set forth in plat recorded in Volume 83, Page 115D, Plat Records, Travis County, Texas. AFFECTS THIS TRACT.
- 10.f. Easement/Reservation as shown on the plat and dedication set out in Schedule A hereof: Purpose: future right of way Location: 10 feet adjacent to and parallel with North Lamar Blvd. AFFECTS THIS TRACT.
- 10.g. Easement as shown on the plat and dedication set out in Schedule A hereof: Purpose: joint access, drainage and public utility Location: 30 feet along most westerly portion of lot. AFFECTS THIS TRACT.
- 10.h. Easement as shown on the plat and dedication set out in Schedule A hereof: Purpose: public utility Location: 10 feet adjacent to and parallel with the 10 foot future right of way line. AFFECTS THIS TRACT.
- 10.i. Easement as shown on the plat and dedication set out in Schedule A hereof: Purpose: public utility and drainage Location: 7.5 feet along the northeast property line. DOES NOT AFFECT THIS TRACT.
- 10.j. Easement as shown on the plat and dedication set out in Schedule A hereof: Purpose: public utility Location: 10 feet along southwest property line. DOES NOT AFFECT THIS TRACT.
- 10.k. Easement as shown on the plat and dedication set out in Schedule A hereof: Purpose: public utility and access Location: 10 feet along most southerly and southeasterly property lines. DOES NOT AFFECT THIS TRACT.
- 10.l. Easement as shown on the plat and dedication set out in Schedule A hereof: Purpose: drainage and public utility Location: over and across most easterly portion of subject lot. DOES NOT AFFECT THIS TRACT.
- 10.n. Easement: Recorded: Volume 8649, Page 847, Real Property Records, Travis County, Texas. To: City of Austin Purpose: electric and telephone lines and systems. DOES NOT AFFECT THIS TRACT.
- 10.o. Easement: Recorded: Volume 9225, Page 471, Real Property Records, Travis County, Texas. To: City of Austin Purpose: electric and telephone lines and systems. DOES NOT AFFECT THIS TRACT.
- 10.p. Easement: Recorded: Volume 9808, Page 774, Real Property Records, Travis County, Texas. To: City of Austin Purpose: electric and telephone lines and systems. DOES NOT AFFECT THIS TRACT.
- 10.q. Terms, Conditions, and Stipulations in the Agreement: Recorded: Volume 8593, Page 174, Real Property Records, Travis County, Texas. Type: Easement (Non-exclusive for Ingress and egress) DOES NOT AFFECT THIS TRACT.


THIS MAP WAS PREPARED FROM AN ON-THE-GROUND SURVEY PERFORMED UNDER MY DIRECT SUPERVISION. THE FIELD WORK WAS COMPLETED IN JANUARY, 2017

Robert C. Steubing 06-22-2017
ROBERT C. STEUBING (512-565-7146) DATE
REGISTERED PROFESSIONAL LAND SURVEYOR No. 5548



Proposed Easement at TCC Northwend Tract #68

 Parcels


 Proposed Easement

2018 Aerial Imagery, City of Austin



*AE Public Involvement
& Real Estate Services*



0 50 100
 Feet

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by AUSTIN ENERGY for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

Produced by MGomez 11/29/2018

